

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SANDY JO BATTISTA,

Plaintiff,

v.

C. A. No. 05-11456-DPW

HAROLD W. CLARKE, et al.,

Defendants.

**MOTION OF DEFENDANTS HAROLD W. CLARKE, KATHLEEN M. DENNEHY,
ROBERT MURPHY, TERRE K. MARSHALL, AND SUSAN J. MARTIN
FOR PARTIAL DISMISSAL OF THE FIRST AMENDED COMPLAINT**

Defendants, Harold W. Clarke, Kathleen M. Dennehy, Robert Murphy, Terre K. Marshall and Susan J. Martin, through counsel, hereby move to dismiss counts III-IX of the first amended complaint for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: January 28, 2008

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Richard c. McFarland
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on 01/28/08.

/s/ Richard C. McFarland
Richard C. McFarland